

JUDGE BAER

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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JAMES M. BURKE and BRADLEY  
L. GROW, as the designated Sellers'  
Representatives, under that certain  
Agreement and Plan of Reorganization and  
Merger by and between Eateries Holdings,  
LLC, Eateries, Inc., Fiesta LLC, and the  
members of Eateries Holdings, LLC,  
on the one hand, and Hestia Holdings, LLC,  
Eateries Merger Sub, Inc. and Fiesta  
Merger Sub, Inc., on the other hand,  
dated as of December 26, 2006,

Plaintiffs,

-against-

HESTIA HOLDINGS, LLC, a Delaware  
Limited Liability Company, EATERIES, INC., a  
Delaware corporation and FIESTA HOLDINGS,  
INC., a Delaware corporation,

Defendants.  
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07 CIV 9909

Case No.

RULE 7.1 STATEMENT

FILED  
NOV 8 2007  
SDNY

Pursuant to Federal Rule of Civil Procedure 7.1, and to enable District Judges and  
Magistrate Judges of the Court to evaluate possible disqualification or recusal, the undersigned  
counsel for plaintiffs, James M. Burke and Bradley L. Grow, as the designated Sellers'  
Representatives, under that certain Agreement and Plan of Reorganization and Merger by and  
between Eateries Holdings, LLC, Eateries, Inc., Fiesta LLC, and the members of Eateries  
Holdings, LLC, on the one hand, and Hestia Holdings, LLC, Eateries Merger Sub, Inc. and

Fiesta Merger Sub, Inc., on the other hand, dated as of December 26, 2006, hereby certifies that the following are corporate parents, affiliates and/or subsidiaries of said parties which are publicly held.

None

Dated: New York, New York  
November 8, 2007

ENTWISTLE & CAPPUCCI LLP  
Attorneys for Plaintiffs

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